



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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January 6, 2003

Chris Shumway
4986 Spanish Valley Drive
Moab, Utah 84532

Re: Site Inspection, Chris Shumway, Factory Butte Humic Shale Mine, S/055/006, Wayne County, Utah

Dear Mrs. Shumway:

On December 13, 2002, I visited the Factory Butte Humic Shale Mine in Wayne county. This was primarily in response to a letter the Division received from the School and Institutional Trust Lands Administration (SITLA) indicating there has been increased disturbance in the area. A copy of my inspection report, including photographs, is enclosed.

Your notice of intention includes a map showing that all disturbances associated with this mine will be confined to the previously disturbed area of the Factory Butte Coal Mine, but there are additional excavations outside the mine pit to the south. These excavations are not in compliance with the minerals regulatory program, but the Division is not issuing a notice of noncompliance because we do not have evidence who created them other than the proximity to your operations.

If you claim responsibility for these excavations and submit an amended notice of intention (form enclosed) we will not issue a notice of noncompliance based on my observations on December 13, 2002. If you submit an amended notice of intention, please provide evidence from SITLA that you have right of entry for these new areas. Please contact me at (801) 538-5261 and advise me of the status of this additional disturbance.

Sincerely,

Paul Baker
Reclamation Biologist

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Enclosure: Amended SMO

cc: John Blake, SITLA (ML 45082 & 44815)

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